

**ORDINANCE NO. 2022-760**

**AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE ZONING ORDINANCE, ORDINANCE NO. 2001-64, AS AMENDED, BY AMENDING THE ZONING MAP DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED SOUTH OF THE SOUTHEAST CORNER OF WEST WINTERGREEN ROAD AND US HIGHWAY 67, LEGALLY DESCRIBED AS A PORTION OF TRACT 2 OF THE WILLIAM W. MERRELL SURVEY, ABSTRACT NO. 876, FROM THE “LR” (LOCAL RETAIL) DISTRICT TO THE “PD” (PLANNED DEVELOPMENT) DISTRICT; INCORPORATING A CONCEPT PLAN ESTABLISHING SPECIFIC STANDARDS; ADOPTING DEVELOPMENT STANDARDS; ACCEPTING A CONSENT AGREEMENT FROM THE OWNER; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the owner of the Property, as defined in Section 1 below, duly filed a request with the City of Cedar Hill, Texas (the “City”), for a change in zoning classification from the “LR” (Local Retail) District to the “PD” (Planned Development) District, and was assigned case no. PD-407-2021; and

**WHEREAS**, on July 24, 2001, City Council of the City of Cedar Hill (the “City Council”) adopted Ordinance No. 2001-71, amending ordinance No. 2001-64, being Chapter 23, entitled “Zoning Ordinance” of the Code of Ordinances of the City of Cedar Hill, Texas (the “City’s Zoning Ordinance”) to incorporate building materials standards that are differentially applicable to residential and non-residential structures; and

**WHEREAS**, such standards substantially further the preservation of property values and the promotion of economic development within the City; and

**WHEREAS**, such standards also establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

**WHEREAS**, the City’s Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

**WHEREAS**, the City's policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City's character and zoning regulations in all planned development districts; and

**WHEREAS**, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

**WHEREAS**, the owner and/or developer who applied for and requested the planned development district established by this Ordinance stated in the application that the development of the Property warrants the architectural and building material standards contained in this Ordinance; and

**WHEREAS**, the owner and/or developer of the Property has consented in writing to the enforcement of the design and building materials standards within the planned development district.

**WHEREAS**, the zoning classification of the Property and the surrounding area are shown on **Exhibit "A"**, attached hereto and incorporated as if fully set forth herein; and

**WHEREAS**, the proposed "PD" (Planned Development) District is accompanied by a Concept Plan that depicts the proposed development, which is shown on **Exhibit "D"**; and

**WHEREAS**, the requested "PD" District is in conformance with the City's adopted Comprehensive Plan, as amended; and

**WHEREAS**, the City of Cedar Hill caused notice of the required public hearings regarding the zoning change to this Ordinance to be published in the Focus Daily News on February 27, 2022, and mailed notice to property owners within 200 feet of the Property; and

**WHEREAS**, the City's Planning and Zoning Commission held a public hearing and accepted comments regarding the zoning change of this Ordinance on March 15, 2022; and

**WHEREAS**, following its public hearing, the Planning and Zoning Commission forwarded its report and recommendation regarding this zoning change to the City Council; and

**WHEREAS**, the City Council, after conducting a public hearing on March 22, 2022, found the proposed amendment to be in the best interests of the City of Cedar Hill.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:**

**SECTION 1 – PROPERTY DESCRIPTION.** This ordinance applies solely to approximately 31.058 acres legally described as a portion of Tract 2 of the William W. Merrell, Abstract Number 876, Page 250; located south of the southeast corner of West Wintergreen Road and US Highway 67 as more particularly described in **Exhibit “B”** – Property Legal Description and shown on **Exhibit “C”** – PD Limits, which is attached hereto and incorporated by reference herein as if fully set forth.

**SECTION 2 – CHANGE IN ZONING DISTRICT CLASSIFICATION.** The zoning district classification for the property described in Section 1 hereby is changed from “LR” (Local Retail) District to “PD” (Planned Development) District. The official zoning map for the city shall be changed to reflect this change in zoning district classification.

**SECTION 3 – APPLICABILITY OF STANDARDS.** The Property shall be subject to the regulations set forth in this Ordinance plus all applicable City Ordinances and regulations including, but not limited to, the City’s Zoning Ordinance, as the above may subsequently be amended.

**SECTION 4 – PURPOSE AND INTENT.** The purpose and intent of this Planned Development District is to provide for attached single-family residential dwellings in accordance with: (a) the development standards as herein provided; and (b) Concept Plan – **Exhibit “D”**; (c) Conceptual Building Elevations – **Exhibit “E”**; (d) Open Space Concept Plan – **Exhibit “F”**; and (e) The City Council hereby directs the Planning Director to cause the Consent Form attached as **Exhibit “G”** to be filed in the land records of the County of Dallas.

**SECTION 5 – CONCEPT PLAN.** Development of the Property shall be consistent with the Concept Plan – **Exhibit “D”**; Conceptual Building Elevations – **Exhibit “E”**; and Open Space Concept Plan – **Exhibit “F”**.

**SECTION 6 – DEVELOPMENT PLAN.** Due to the limited number of uses and the absence of construction phases, a development plan required by Section 3.19.7 of the City’s Zoning Ordinance shall not be required.

**SECTION 7 – SITE PLAN.** A site plan shall be required to be submitted and approved prior to any construction or development within the PD District in accordance with the standards in Section 3.19.3.C and Section 3.19.8 of the City’s Zoning Ordinance.

**SECTION 8 – AUTHORIZED LAND USES.** The only land uses that shall be permitted on the Property to be “single-family attached dwellings” and “open space”.

**SECTION 9 – DEFINITIONS.** The definitions in Section 5.8 of the City’s Zoning Ordinance shall be applicable to the Property in this Planned Development District with the exception of those terms defined in this Section.

- A. *Building Grouping* – a building containing a minimum of 3 single-family attached dwelling units.
- B. *Building Grouping Elevation Designs* – the design composition of the exterior front wall of a building grouping that shows an arrangement of windows, doors, porches, building materials, design features and color pallets.
- C. *Master Parks Plan Trail* – a 12-foot-wide minimum concrete multi-modal trail that is designed in accordance with city standards.
- D. *Programmed parking* – a grouping of parking spaces arranged as head-in parking and/or parallel parking that is outside of the street pavement width.

**SECTION 10 – DEVELOPMENT STANDARDS.** Development shall conform to the standards of the “TH” – Single-Family Attached Residential District of the City’s Zoning Ordinance, except as otherwise expressly provided in this Ordinance.

- A. *Lot Dimension Requirements*
  - 1. Maximum Number of Dwelling Units – 184
  - 2. Minimum Lot Area – 1,980 square feet
  - 3. Minimum Lot Width – At least 92 lots shall have a minimum lot width of 30 feet. No lot width shall be less than 22 feet.
  - 4. Minimum Lot Depth – 90 feet
- B. *Yard Requirements*
  - 1. Minimum Front Yard – 10 feet
  - 2. Minimum Side Yard (interior) – 0 feet
  - 3. Minimum Side Yard (street side) – 10 feet
  - 4. Minimum Rear Yard – 20 feet
- C. *Structure Standards*
  - 1. Minimum Building Separation – 10 feet
  - 2. Maximum Building Length – None as long as the number of units per building does not exceed 5.
  - 3. Maximum Height – 35 feet; 2 stories in accordance with the Building Elevations.

4. Minimum Living Area – 1,350 square feet
5. Minimum Number of Bedrooms – 3

**D. Minimum Parking**

1. Minimum number of off-street guest parking spaces – 44 spaces as shown on the Concept Plan – **Exhibit “D”**.
2. Minimum number of parking spaces per dwelling unit – a total of 4 parking spaces per lot including the following: an attached garage that can accommodate two vehicles; and a driveway that can accommodate two vehicles external from the sidewalk.
3. Carports are prohibited.
4. Programmed parking shall be installed along the minor collector road in accordance with **Exhibit “D”**.
5. No parking is allowed in alleys.

**E. Construction and Design Standards** – The following minimum design and construction standards shall apply within the property in this Planned Development District, as volunteered by the applicant and as reflected in the consent form attached as **Exhibit “G”** and the Building Elevations attached as **Exhibit “E”**. At minimum, the development shall incorporate the following:

1. The building materials shall be limited to the following types:
  - a. Primary Building Materials: Brick material, glass walls, and stone material as defined in the City’s Zoning Ordinance.
  - b. Secondary Building Material:
    - i. Acrylic matrix or synthetic plaster finish, and stucco, as defined in the City’s Zoning Ordinance, above the bottom 8 feet of the structure.
    - ii. James Hardie® Fiber Cement Siding or a similar quality as approved by the Building Official.
    - iii. The maintenance, repair, and replacement of the exterior wall coverings and roofing shall be maintained by the Property Owners Association when there is not a physical separation in the vertical walls and/or roof by a parapet or elevation separation.
2. Building Elevation Variety – In order to avoid monotonous block patterns, this district shall incorporate the following elements:

- a. Building Material Variety
  - i. For the building wall surface areas, excluding windows and doors, that contain the front doors, and/or faces a public right-of-way and/or trail, shall contain the following:
    - a. A minimum of 90 percent shall be a primary building material, as defined in this section, with a minimum of 2 distinctive building materials. Multiple distinctive types of brick and/or stone building materials may be utilized to meet this requirement.
    - b. A minimum of 10 percent may be of a secondary building material, as defined in this section.
  - ii. For each additional building wall surface area, excluding windows and doors, that does not meet the location criteria listed in this section, shall contain the following:
    - a. A minimum of 70 percent shall be a primary building material, as defined in this section.
    - b. A minimum of 30 percent may be of a secondary building material, as defined in this section.
- b. Alternating Building Elevations
  - i. The same front building grouping elevation design shall not be used within any adjacent building groupings or directly across the street from the subject building.
    - a. A minimum of 2 distinctive building elevations shall be used to alternate distinctive building elevations as mentioned above.
  - ii. The same color palette of building materials shall not be used within any adjacent 4 building groupings or on a building grouping directly across the street from the subject building.
    - a. Each color palette shall be collectively distinct in nature from one another.
- c. Building Mass and Form
  - i. The front building groupings elevation shall incorporate at least 3 of the following design features to provide visual relief:
    - a. dormers;
    - b. louvers;
    - c. shutters;
    - d. enhanced roof line with gables;

- e. gable brackets;
- f. cupolas; and
- g. bay windows with a minimum 24-inch projection.
- ii. Additional design features may be approved by the Planning Director or Building Official at the time of building permit.
- d. All building elevations and color palettes shall be submitted at the time of PD site plan submittal.

#### *F. Landscaping Requirements*

- 1. **Landscape Setback**
  - a. Minor Collector Road – The landscape area fronting the dwelling units along the minor collector road shall be the landscape setback with no area having a width less than 10 feet wide and exclusive of any utility and pedestrian easements, as shown on the Concept Plan – **Exhibit “D”**.
    - i. Provide one large and/or medium shade tree for every 450 square feet of landscape area provided. Trees may be spaced in a natural pattern.
    - ii. A mixture of evergreen shrubs, deciduous shrubs and ornamental grass groupings shall be provided to screen the alley sections visible from the minor collector road.
  - 2. A minimum of one, 3-inch caliper medium shade tree shall be provided within the front yard setback on each lot that contains a dwelling unit.
  - 3. Install a mixture of evergreen shrubs, deciduous shrubs and ornamental grass groupings along the length of the front wall surface area, except in front of a doorway and/or sidewalk entrance into the dwelling units.
  - 4. No programmed parking space shall be located further than 50 feet from a permeable landscape island. The minimum size of each landscape island shall be equivalent to the minimum size of parking space and contain at least one large- or medium-size shade tree.
  - 5. All landscaped HOA lots shall be irrigated with an automatic underground irrigation system, owned, and maintained by the Homeowners Association.
  - 6. Detail drawings of all the landscaping shall be submitted with PD site plan submittal.

G. *Screening and Fence Requirements* – In order to provide adequate screening and privacy, this district shall incorporate the following elements:

1. A minimum 6-foot-tall, cedar fence shall be installed along the west property line, except adjacent to the open space area width along the creek side.
2. A minimum 6-foot-tall, board-on-board cedar fence with a mixture of evergreen shrubs and ornamental grasses along the front of the fence shall be installed within or adjoining the right-of-way labeled as “minor collector” for a distance starting at Wintergreen Road going southward for at least 287 feet.
3. A minimum 6-foot-tall black vinyl chain-link fence with masonry columns shall be constructed around the proposed dog park area.
4. Consolidation and screening of above ground utility apparatuses shall be located in the rear yards where possible.
5. Security screening in the form of a tubular metal fence, or similar, along with landscaping may be required around the detention pond dependent upon the slope and function at the time of PD site plan submittal.
6. All fences shall be owned and maintained by the HOA.
7. Detail drawings of all the fencing shall be submitted with the PD site plan submittal.

H. *Streets*

1. All streets and alleys shall be public.
2. The minor collector road shall be installed with the proposed development as shown on the Concept Plan – **Exhibit “D”**.
3. All residential streets shall have a minimum width of 31 feet.
4. Dwelling units that do not front to a public right-of-way shall have a minimum alley width of 24-feet as shown on the Concept Plan – **Exhibit “D”**.
5. Parking shall be prohibited within the alleys. No parking signs shall be erected at specific locations to be approved by the Public Works Department.

I. *Sidewalks and Trails*

1. All sidewalks shall generally be constructed in locations shown on the Concept Plan – **Exhibit “D”**, including along the minor collector road. If sidewalks are constructed at the edge of pavement, the minimum width shall be 5 feet wide.
2. Building entrances shall be connected to sidewalks and/or trails.
3. All sidewalks shall be constructed by the developer at the time of the public infrastructure construction to ensure connectivity within the neighborhood. Where there may be conflict with the construction of nearby and/or adjacent structure(s), the construction of sidewalks may be deferred to prior to the issuance of a Certificate of Occupancy for the nearby and/or adjacent structure(s).
4. Master Parks Plan Trail – The City and the developer may enter into an agreement for the construction of a 12-foot-wide trail which shall be dedicated to the city as depicted on the Concept Plan – **Exhibit “D”** consistent with city design standards.
  - a. If the developer constructs the Master Parks Plan Trail, then the proportional construction costs may be deducted from the required park fees due as required by Article II, Chapter 20.
  - b. Any reimbursement that is owed to the developer after the Master Park Plan Trail is constructed and accepted by the City’s Parks Department shall be requested within 6 months of the city accepting the Master Parks Plan Trail.
5. Detail drawings of all the sidewalks and trails shall be submitted with the PD site plan submittal.

**J. Open Space Requirements**

1. The development shall provide a minimum of 1,200 square feet per dwelling unit of open space in accordance with the areas depicted on the Open Space Plan – **Exhibit “F”**.
2. Developer shall install amenities as shown on the Concept Plan – **Exhibit “D”**.
3. All open space areas shall be owned and maintained by the Homeowners Association.

4. Detail drawings of all the open space areas and amenities shall be submitted with the site plan review submittal.

**SECTION 11 – PROPERTY MAINTENANCE PLAN.** A plan for the maintenance of the buildings, driveways, landscaping, and grounds on the Property shall be established and submitted with the first certificate of occupancy. The Property shall be maintained in accordance with the maintenance plan, which shall be subject to approval by the City.

**SECTION 12 – HOMEOWNER ASSOCIATION.** The dwelling units shall not be owned and managed by a sole entity for rent. The individual lots are to be sold to individual property owners whose intent is to occupy or to have them occupied by someone with a familial relationship with the property owner. All dwellings shall be required to incorporate into a Homeowners Association (HOA). Documents establishing the Homeowners Association and the Homeowners Association By-Laws shall be submitted to the city for approval prior to the recordation of the final plat and be filed concurrently with the final plat.

**SECTION 13 – CONFLICTS.** This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Cedar Hill, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event, conflicting provisions of such ordinances and Code are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.

**SECTION 14 – SEVERABILITY.** The terms and provisions of this ordinance shall be deemed to be severable and if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Ordinance.

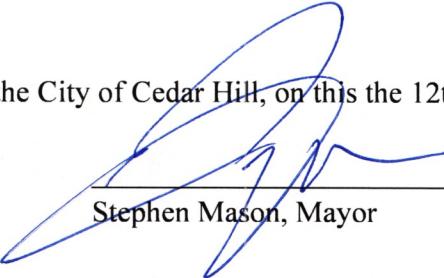
**SECTION 15 – EFFECTIVE DATE.** Because of the nature of the interests sought to be protected and of the safeguards sought to be provided by this Ordinance, and in the interest of the health, safety, and welfare of the citizens of Cedar Hill, Texas, this Ordinance shall take effect immediately after its passage, approval, and publication as required by law.

**SECTION 16 – PENALTY.** Any person, firm, entity, or corporation who violates any provision of this Ordinance or the City's Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this

Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

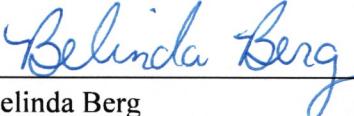
**SECTION 18 – PUBLICATION.** The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

**PASSED AND APPROVED** by the City Council, the City of Cedar Hill, on this the 12th day of April 2022.



Stephen Mason, Mayor

ATTEST:



Belinda Berg

Belinda Berg  
City Secretary

APPROVED AS TO FORM:



Ron G. MacFarlane, Jr.

City Attorney

# City of Cedar Hill

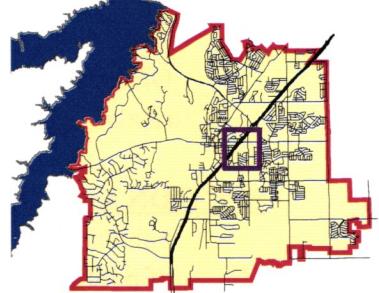
## EXHIBIT A

Case PD-407-2021

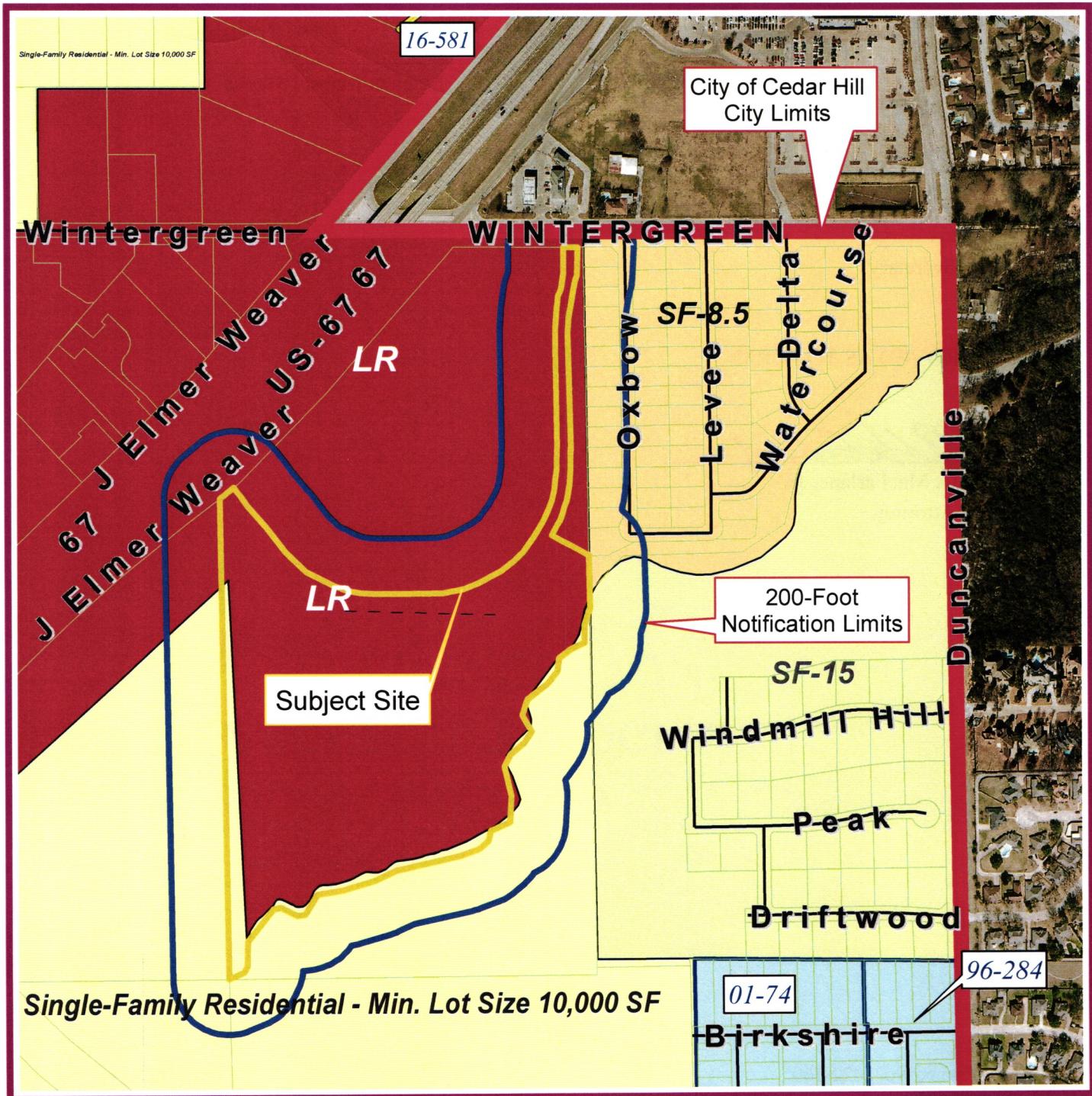


1 inch = 500 feet

0 150 Feet



Map Printed - February 2022  
Cedar Hill Planning Department



# EXHIBIT B

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BEING, all of that 31.058 acre (1,352,870 square foot) tract of land situated in the William W. Merrill Survey, Abstract No. 876, in the City of Cedar Hill, Dallas County, Texas; being parts of those called 13.229 acre and 41.891 acre tracts of land described in Warranty Deed to Ganapathy, Ltd. as recorded in Instrument No. 201500185385 of the Official Public Records of Dallas County, Texas; said 31.058 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING, at a concrete monument (broken) found for corner in the northwest line of said 13.229 acre tract; said point being in the southeast right-of-way line of U.S. Highway 67 (variable width right-of-way);

THENCE, South 44 degrees 27 minutes 00 seconds West, with the northwest line of said 13.229 acre tract and the southeast line of U.S. Highway 67, a distance of 427.23 feet to a point for corner;

THENCE, South 52 degrees 06 minutes 02 seconds West, with the northwest line of said 13.229 acre tract and the southeast line of U.S. Highway 67, a distance of 35.69 feet to the POINT OF BEGINNING;

THENCE, South 38 degrees 13 minutes 57 seconds East, departing the northwest line of said 13.229 acre tract and the southeast line of U.S. Highway 67, a distance of 267.46 feet to a point for corner at the beginning of a tangent curve to the left;

THENCE, in a southeasterly direction, along said curve to the left, an arc length of 434.00 feet, having a radius of 470.00 feet, a central angle of 52 degrees 54 minutes 26 seconds, and a chord which bears South 64 degrees 41 minutes 10 seconds East, 418.75 feet to a point for corner;

THENCE, North 88 degrees 51 minutes 37 seconds East, a distance of 158.25 feet to a point for corner at the beginning of a tangent curve to the left;

THENCE, in a northeasterly direction, along said curve to the left, an arc length of 736.58 feet, having a radius of 470.00 feet, a central angle of 89 degrees 47 minutes 37 seconds, and a chord which bears North 43 degrees 57 minutes 49 seconds East, 663.48 feet to a point for corner;

THENCE, North 00 degrees 56 minutes 00 seconds West, a distance of 450.13 feet to a point for corner [at the beginning of a tangent curve to the right];

THENCE, in a northeasterly direction, along said curve to the right, an arc length of 150.41 feet, having a radius of 530.00 feet, a central angle of 16 degrees 15 minutes 37 seconds, and a chord which bears North 07 degrees 11 minutes 49 seconds East, 149.91 feet to a point for corner at the beginning of a reverse curve to the left;

THENCE, in a northeasterly direction, along said reverse curve to the left, an arc length of 133.38 feet, having a radius of 470.00 feet, a central angle of 16 degrees 15 minutes 37 seconds, and a chord which bears North 07 degrees 11 minutes 49 seconds East, 132.94 feet to a point for corner;

THENCE, North 00 degrees 56 minutes 00 seconds West, a distance of 15.86 feet to a point for corner in the south right-of-way line of W. Wintergreen Road (variable width right-of-way);

THENCE, South 89 degrees 58 minutes 28 seconds East, with the south line of said W. Wintergreen Road, a distance of 60.01 feet to a point for corner;

THENCE, South 00 degrees 56 minutes 00 seconds East, departing the south line of said W. Wintergreen Road, a distance of 14.86 feet to a point for corner at the beginning of a tangent curve to the right;

THENCE, in a southwesterly direction, along said curve to the right, an arc length of 150.41 feet, having a radius of 530.00 feet, a central angle of 16 degrees 15 minutes 37 seconds, and a chord which bears South

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07 degrees 11 minutes 49 seconds West, 149.91 feet to a point for corner at the beginning of a reverse curve to the left;

THENCE, in a southwesterly direction, along said reverse curve to the left, an arc length of 133.38 feet, having a radius of 470.00 feet, a central angle of 16 degrees 15 minutes 37 seconds, and a chord which bears South 07 degrees 11 minutes 49 seconds West, 132.94 feet to a point for corner;

THENCE, South 00 degrees 56 minutes 00 seconds East, a distance of 450.13 feet to a point for corner at the beginning of a tangent curve to the right;

THENCE, in a southwesterly direction, along said curve to the right, an arc length of 297.51 feet, having a radius of 530.00 feet, a central angle of 32 degrees 09 minutes 43 seconds, and a chord which bears South 15 degrees 08 minutes 52 seconds West, 293.62 feet to a point for corner;

THENCE, South 58 degrees 46 minutes 17 seconds East, a distance of 155.14 feet to a point for corner in the east line of said 41.891 acre tract; said point being the southwest corner of The Creeks of Windmill Hill, an addition to the City of Cedar Hill as recorded in Volume 2004008, Page 290 of the Plat Records of Dallas County, Texas;

THENCE, South 00 degrees 56 minutes 00 seconds East, with the east line of said 41.891 acre tract, a distance of 157.40 feet to a point for corner in Stewart Branch;

THENCE, along Stewart Branch, and the southeast line of said 41.891 acre tract; along the northeast line of that tract of land described as Tract 3 in Trustee's Deed to Tommy Joe Winn as recorded in Instrument No. 201700131564 of the Official Public Records of Dallas County, Texas, the following thirty (30) courses and distances:

- South 18 degrees 08 minutes 07 seconds West, a distance of 64.93 feet to a point for corner;
- South 00 degrees 31 minutes 22 seconds West, a distance of 64.65 feet to a point for corner;
- South 64 degrees 53 minutes 53 seconds West, a distance of 53.26 feet to a point for corner;
- South 53 degrees 28 minutes 55 seconds West, a distance of 51.80 feet to a point for corner;
- South 09 degrees 19 minutes 37 seconds West, a distance of 46.42 feet to a point for corner;
- South 38 degrees 46 minutes 43 seconds West, a distance of 55.58 feet to a point for corner;
- South 51 degrees 49 minutes 49 seconds West, a distance of 93.80 feet to a point for corner;
- South 17 degrees 04 minutes 51 seconds West, a distance of 60.51 feet to a point for corner;
- South 30 degrees 55 minutes 36 seconds East, a distance of 65.30 feet to a point for corner;
- South 34 degrees 45 minutes 20 seconds West, a distance of 48.08 feet to a point for corner;
- South 48 degrees 50 minutes 08 seconds West, a distance of 67.12 feet to a point for corner;
- South 25 degrees 49 minutes 50 seconds West, a distance of 47.51 feet to a point for corner;
- South 13 degrees 41 minutes 48 seconds East, a distance of 108.59 feet to a point for corner;
- South 03 degrees 25 minutes 40 seconds West, a distance of 95.93 feet to a point for corner;
- South 65 degrees 52 minutes 23 seconds West, a distance of 77.01 feet to a point for corner;

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South 14 degrees 35 minutes 20 seconds West, a distance of 36.20 feet to a point for corner;  
South 50 degrees 04 minutes 10 seconds West, a distance of 42.52 feet to a point for corner;  
South 68 degrees 16 minutes 50 seconds West, a distance of 68.65 feet to a point for corner;  
South 77 degrees 41 minutes 16 seconds West, a distance of 239.42 feet to a point for corner;  
South 65 degrees 05 minutes 37 seconds West, a distance of 83.46 feet to a point for corner;  
South 73 degrees 16 minutes 06 seconds West, a distance of 119.19 feet to a point for corner;  
South 81 degrees 02 minutes 28 seconds West, a distance of 94.56 feet to a point for corner;  
South 32 degrees 08 minutes 04 seconds West, a distance of 83.83 feet to a point for corner;  
South 82 degrees 43 minutes 38 seconds West, a distance of 28.87 feet to a point for corner;  
North 63 degrees 23 minutes 31 seconds West, a distance of 63.82 feet to a point for corner;  
South 77 degrees 48 minutes 10 seconds West, a distance of 27.21 feet to a point for corner;  
South 38 degrees 44 minutes 22 seconds West, a distance of 149.82 feet to a point for corner;  
South 00 degrees 47 minutes 39 seconds West, a distance of 87.40 feet to a point for corner;  
South 26 degrees 09 minutes 37 seconds West, a distance of 25.99 feet to a point for corner;  
South 67 degrees 36 minutes 51 seconds West, a distance of 60.71 feet to a point at the most southerly corner of said 41.891 acre tract and the most westerly northwest corner of said Tract 3; said point being in the east line of that tract of land described in Special Warranty Deed to Rhonda Hughes Montee as recorded in Volume 97044, Page 2235 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees 53 minutes 27 seconds West, with the east line of said Montee tract, at a distance of 100.00 feet passing a 5/8-inch iron rod with "REFERENCE" cap set, continuing in all a total distance of 1,717.42 feet to a 5/8-inch iron rod with "BGE" cap set at the most westerly northwest corner of said 13.229 acre tract; said point being the northeast corner of said Montee tract; from said point along the four (4) courses and distances of South 52 degrees 06 minutes 02 seconds West, a distance of 143.32 feet; South 51 degrees 04 minutes 15 seconds West, a distance of 318.91 feet; South 48 degrees 02 minutes 14 seconds West, a distance of 237.35 feet; and South 46 degrees 37 minutes 57 seconds West, a distance of 557.47 feet to a 1/2-inch iron pipe found in southeast line of said U.S. Highway 67;

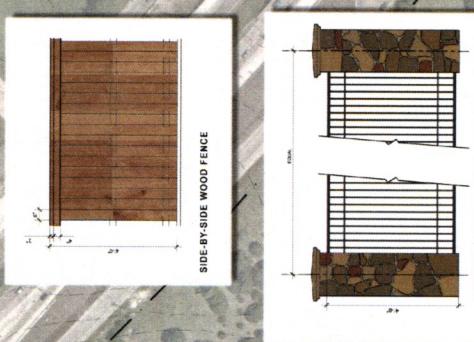
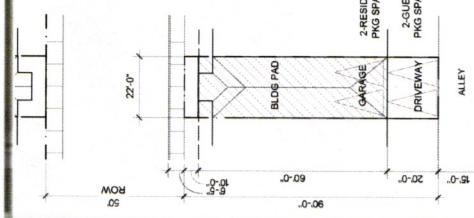
THENCE, North 52 degrees 06 minutes 02 seconds East, with the northwest line of said 13.229 acre tract and the southeast line of U.S. Highway 67, a distance of 60.00 feet to the POINT OF BEGINNING and containing an area of 31.058 acres or 1,352,870 square feet of land, more or less.



# WINTERGREEN TOWNHOMES

## Townhome Development Summary:

PD Area: 3.168 ac  
Townhome Site Area: 25.86 ac  
TH1 Townhome Units: (22 x 30')  
Typical Pad: 2x35'  
Total Units: 32  
TH2 Townhome Units: (30' x 30')  
Typical Pad: 2x35'  
Total Units: 184  
Open Space: Approx. 9.78 ac (31%)  
Density: 5.82 Units/Acre (Gross)



## EXHIBIT D CONCEPT PLAN

Existing Zoning  
SF-8.5



City of Cedar Hill, Dallas County, Texas  
March 2022

BGE, Inc.  
256 Dallas Pkwy, Suite 101  
Tel: 972-464-4800 • www.bgemic.com

TBE Registration No. F-1446  
File #5034

# EXHIBIT E

Page 1 of 3

## 3-Unit Building Elevation

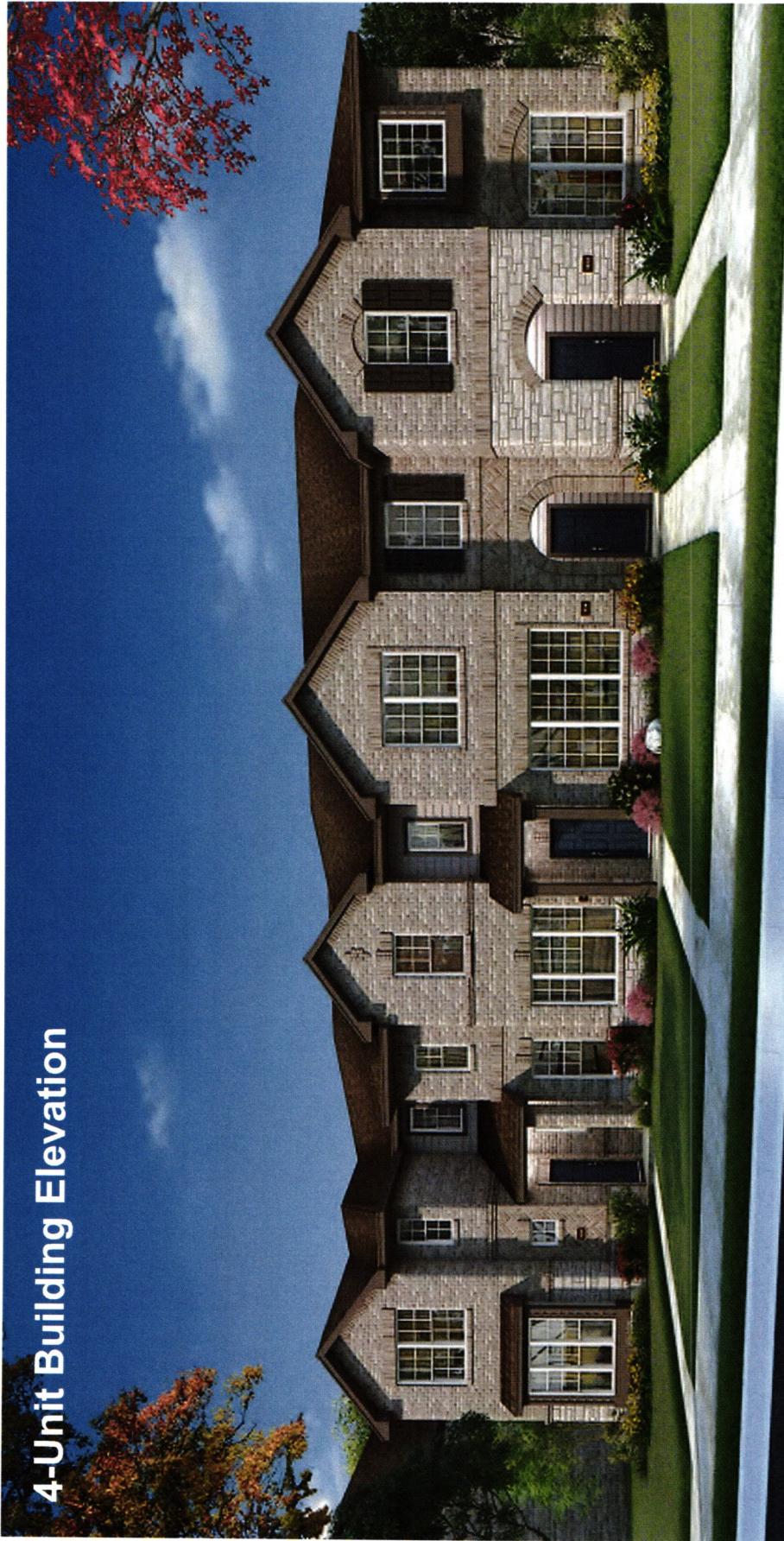


Note: This drawing is conceptual and for illustrative purposes only.  
HistoryMaker Homes reserves the right to make changes.

## EXHIBIT E

Page 2 of 3

### 4-Unit Building Elevation



Note: This drawing is conceptual and for illustrative purposes only.  
HistoryMaker Homes reserves the right to make changes.

## EXHIBIT E

Page 3 of 3

### 5-Unit Building Elevation



Note: This drawing is conceptual and for illustrative purposes only.  
HistoryMaker Homes reserves the right to make changes.

# WINTERGREEN TOWNHOMES

March 2022

SCALE 1:1000

0 50 100 200

ft

m

mm

cm

in

yd

mi

km

ft

m

mm

cm

in

# EXHIBIT G

## PLANNED DEVELOPMENT DISTRICT CONSENT FORM

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Introduction: As an applicant for a new Planned Development District, or an amendment of an existing PDD, you are aware that the City's zoning regulations specify design elements and construction goals for both residential and non-residential zoning proposed planned developments. The City has determined that such elements of a planned development greatly further the long-term viability of the project, the economic development of surrounding areas, the preservation of property values and the architectural standards of the community. These standards thus are an important factor in the consideration of whether the departure from standard zoning district standards in a planned development represents an enhancement of the City. Because of recent changes in state law, however, that affect the City's capacity to employ and enforce architectural standards and building material regulations for development and construction, it is necessary to promulgate the following form. ***It is intended that your consent be observed by you and subsequent purchasers and that the attached covenants shall run with the land.***

Instructions: You have received this form because you have submitted a rezoning application for either creation or amendment of a Planned Development District. The signature of the property owner(s) and his or her designated representative (the developer) should both be affixed to this form only if you are in agreement with the statements that appear below. If you choose to sign this form, it should be returned to the City's Planning and Development Department for recordation at least 4 weeks before the date of the public hearing by the Planning & Zoning Commission so that staff can include whether or not you have consented in the staff report/agenda materials.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

CONSENT AGREEMENT

EXECUTED AND DELIVERED to be effective as of the date of the last signature below:

I, P. T. Summary, Owner of the property that is described in Exhibit A hereto ("Property") and is the subject of the application filed voluntarily for creation or an amendment of a planned development district in the City of Cedar Hill, Texas, do with my signature hereby affirm the City's intent expressed in the introductory paragraph and consent and covenant to uphold the design and construction standards within the project and upon the Property, as set forth in the City's zoning regulations, including but not limited to any Planned Development District Ordinance applicable to the Property, in order to further the expressed objectives and to uphold the architectural integrity of the community and my Property.

P. T. Summary  
Owner ~~President~~ ~~Chairman~~  
Date: 2/26/2022

STATE OF TEXAS 5  
COUNTY OF Dallas 5  
6

This instrument was acknowledged before me on the 26<sup>th</sup> day of FEB. 2022 by



Kerry Brown  
Notary Public, State of Texas

I, Darrel Amer, the duly authorized representative of Owner and the developer of the Property, described in **Exhibit A** hereto, and for which an application was voluntarily filed for creation or an amendment of a planned development district in the City of Cedar Hill, Texas, do with my signature hereby affirm the City's intent expressed in the introductory paragraph and consent and covenant to uphold the design and construction standards within the project and upon the Property, as set forth in the City's zoning regulations, including but not limited to any Planned Development District Ordinance applicable to the Property, in order to further the expressed objectives and to uphold the architectural integrity of the community and my development of the Property.



Developer

Date: 3-8-22

STATE OF TEXAS

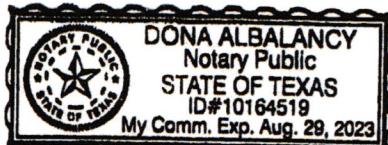
§

COUNTY OF Tarrant

§

§

This instrument was acknowledged before me on the 8<sup>th</sup> day of March, 2022 by  
Darrel Amer.



  
\_\_\_\_\_  
Notary Public, State of Texas

EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY

BEING, all of that 31.058 acre (1,352,870 square foot) tract of land situated in the William W. Merrill Survey, Abstract No. 876, in the City of Cedar Hill, Dallas County, Texas; being parts of those called 13.229 acre and 41.891 acre tracts of land described in Warranty Deed to Ganapathy, Ltd. as recorded in Instrument No. 201500185385 of the Official Public Records of Dallas County, Texas; said 31.058 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING, at a concrete monument (broken) found for corner in the northwest line of said 13.229 acre tract; said point being in the southeast right-of-way line of U.S. Highway 67 (variable width right-of-way);

THENCE, South 44 degrees 27 minutes 00 seconds West, with the northwest line of said 13.229 acre tract and the southeast line of U.S. Highway 67, a distance of 427.23 feet to a point for corner;

THENCE, South 52 degrees 06 minutes 02 seconds West, with the northwest line of said 13.229 acre tract and the southeast line of U.S. Highway 67, a distance of 35.69 feet to the POINT OF BEGINNING;

THENCE, South 38 degrees 13 minutes 57 seconds East, departing the northwest line of said 13.229 acre tract and the southeast line of U.S. Highway 67, a distance of 267.46 feet to a point for corner at the beginning of a tangent curve to the left;

THENCE, in a southeasterly direction, along said curve to the left, an arc length of 434.00 feet, having a radius of 470.00 feet, a central angle of 52 degrees 54 minutes 26 seconds, and a chord which bears South 64 degrees 41 minutes 10 seconds East, 418.75 feet to a point for corner;

THENCE, North 88 degrees 51 minutes 37 seconds East, a distance of 158.25 feet to a point for corner at the beginning of a tangent curve to the left;

THENCE, in a northeasterly direction, along said curve to the left, an arc length of 736.58 feet, having a radius of 470.00 feet, a central angle of 89 degrees 47 minutes 37 seconds, and a chord which bears North 43 degrees 57 minutes 49 seconds East, 663.48 feet to a point for corner;

THENCE, North 00 degrees 56 minutes 00 seconds West, a distance of 450.13 feet to a point for corner [at the beginning of a tangent curve to the right];

THENCE, in a northeasterly direction, along said curve to the right, an arc length of 150.41 feet, having a radius of 530.00 feet, a central angle of 16 degrees 15 minutes 37 seconds, and a chord which bears North 07 degrees 11 minutes 49 seconds East, 149.91 feet to a point for corner at the beginning of a reverse curve to the left;

THENCE, in a northeasterly direction, along said reverse curve to the left, an arc length of 133.38 feet, having a radius of 470.00 feet, a central angle of 16 degrees 15 minutes 37 seconds, and a chord which bears North 07 degrees 11 minutes 49 seconds East, 132.94 feet to a point for corner;

THENCE, North 00 degrees 56 minutes 00 seconds West, a distance of 15.86 feet to a point for corner in the south right-of-way line of W. Wintergreen Road (variable width right-of-way);

THENCE, South 89 degrees 58 minutes 28 seconds East, with the south line of said W. Wintergreen Road, a distance of 60.01 feet to a point for corner;

THENCE, South 00 degrees 56 minutes 00 seconds East, departing the south line of said W. Wintergreen Road, a distance of 14.86 feet to a point for corner at the beginning of a tangent curve to the right;

THENCE, in a southwesterly direction, along said curve to the right, an arc length of 150.41 feet, having a radius of 530.00 feet, a central angle of 16 degrees 15 minutes 37 seconds, and a chord which bears South

07 degrees 11 minutes 49 seconds West, 149.91 feet to a point for corner at the beginning of a reverse curve to the left;

THENCE, in a southwesterly direction, along said reverse curve to the left, an arc length of 133.38 feet, having a radius of 470.00 feet, a central angle of 16 degrees 15 minutes 37 seconds, and a chord which bears South 07 degrees 11 minutes 49 seconds West, 132.94 feet to a point for corner;

THENCE, South 00 degrees 56 minutes 00 seconds East, a distance of 450.13 feet to a point for corner at the beginning of a tangent curve to the right;

THENCE, in a southwesterly direction, along said curve to the right, an arc length of 297.51 feet, having a radius of 530.00 feet, a central angle of 32 degrees 09 minutes 43 seconds, and a chord which bears South 15 degrees 08 minutes 52 seconds West, 293.62 feet to a point for corner;

THENCE, South 58 degrees 46 minutes 17 seconds East, a distance of 155.14 feet to a point for corner in the east line of said 41.891 acre tract; said point being the southwest corner of The Creeks of Windmill Hill, an addition to the City of Cedar Hill as recorded in Volume 2004008, Page 290 of the Plat Records of Dallas County, Texas;

THENCE, South 00 degrees 56 minutes 00 seconds East, with the east line of said 41.891 acre tract, a distance of 157.40 feet to a point for corner in Stewart Branch;

THENCE, along Stewart Branch, and the southeast line of said 41.891 acre tract; along the northeast line of that tract of land described as Tract 3 in Trustee's Deed to Tommy Joe Winn as recorded in Instrument No. 201700131564 of the Official Public Records of Dallas County, Texas, the following thirty (30) courses and distances:

South 18 degrees 08 minutes 07 seconds West, a distance of 64.93 feet to a point for corner;  
South 00 degrees 31 minutes 22 seconds West, a distance of 64.65 feet to a point for corner;  
South 64 degrees 53 minutes 53 seconds West, a distance of 53.26 feet to a point for corner;  
South 53 degrees 28 minutes 55 seconds West, a distance of 51.80 feet to a point for corner;  
South 09 degrees 19 minutes 37 seconds West, a distance of 46.42 feet to a point for corner;  
South 38 degrees 46 minutes 43 seconds West, a distance of 55.58 feet to a point for corner;  
South 51 degrees 49 minutes 49 seconds West, a distance of 93.80 feet to a point for corner;  
South 17 degrees 04 minutes 51 seconds West, a distance of 60.51 feet to a point for corner;  
South 30 degrees 55 minutes 36 seconds East, a distance of 65.30 feet to a point for corner;  
South 34 degrees 45 minutes 20 seconds West, a distance of 48.08 feet to a point for corner;  
South 48 degrees 50 minutes 08 seconds West, a distance of 67.12 feet to a point for corner;  
South 25 degrees 49 minutes 50 seconds West, a distance of 47.51 feet to a point for corner;  
South 13 degrees 41 minutes 48 seconds East, a distance of 108.59 feet to a point for corner;  
South 03 degrees 25 minutes 40 seconds West, a distance of 95.93 feet to a point for corner;  
South 65 degrees 52 minutes 23 seconds West, a distance of 77.01 feet to a point for corner;

South 14 degrees 35 minutes 20 seconds West, a distance of 36.20 feet to a point for corner;

South 50 degrees 04 minutes 10 seconds West, a distance of 42.52 feet to a point for corner;

South 68 degrees 16 minutes 50 seconds West, a distance of 68.65 feet to a point for corner;

South 77 degrees 41 minutes 16 seconds West, a distance of 239.42 feet to a point for corner;

South 65 degrees 05 minutes 37 seconds West, a distance of 83.46 feet to a point for corner;

South 73 degrees 16 minutes 06 seconds West, a distance of 119.19 feet to a point for corner;

South 81 degrees 02 minutes 28 seconds West, a distance of 94.56 feet to a point for corner;

South 32 degrees 08 minutes 04 seconds West, a distance of 83.83 feet to a point for corner;

South 82 degrees 43 minutes 38 seconds West, a distance of 28.87 feet to a point for corner;

North 63 degrees 23 minutes 31 seconds West, a distance of 63.82 feet to a point for corner;

South 77 degrees 48 minutes 10 seconds West, a distance of 27.21 feet to a point for corner;

South 38 degrees 44 minutes 22 seconds West, a distance of 149.82 feet to a point for corner;

South 00 degrees 47 minutes 39 seconds West, a distance of 87.40 feet to a point for corner;

South 26 degrees 09 minutes 37 seconds West, a distance of 25.99 feet to a point for corner;

South 67 degrees 36 minutes 51 seconds West, a distance of 60.71 feet to a point at the most southerly corner of said 41.891 acre tract and the most westerly northwest corner of said Tract 3; said point being in the east line of that tract of land described in Special Warranty Deed to Rhonda Hughes Montee as recorded in Volume 97044, Page 2235 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees 53 minutes 27 seconds West, with the east line of said Montee tract, at a distance of 100.00 feet passing a 5/8-inch iron rod with "REFERENCE" cap set, continuing in all a total distance of 1,717.42 feet to a 5/8-inch iron rod with "BGE" cap set at the most westerly northwest corner of said 13.229 acre tract; said point being the northeast corner of said Montee tract; from said point along the four (4) courses and distances of South 52 degrees 06 minutes 02 seconds West, a distance of 143.32 feet; South 51 degrees 04 minutes 15 seconds West, a distance of 318.91 feet; South 48 degrees 02 minutes 14 seconds West, a distance of 237.35 feet; and South 46 degrees 37 minutes 57 seconds West, a distance of 557.47 feet to a 1/2-inch iron pipe found in southeast line of said U.S. Highway 67;

THENCE, North 52 degrees 06 minutes 02 seconds East, with the northwest line of said 13.229 acre tract and the southeast line of U.S. Highway 67, a distance of 60.00 feet to the POINT OF BEGINNING and containing an area of 31.058 acres or 1,352,870 square feet of land, more or less.